IN THE CLAIMS

1. (Previously Presented) An isolated nucleic acid molecule encoding fungal immunomodulatory protein comprising a nucleic acid sequence as follows:

ATGTCTGATA CTGCTTTGAT TTTCAGATTG GCTTGGGATG TTAAGAAGTT GTCTTTCGAT TACACTCCAA ACTGGGGTAG AGGTAACCCA AACAACTTCA TTGATACTGT TACTTTCCCA AAGGTTTTGA CTGATAAGGC TTACACTTAC AGAGTTGCTG TTTCTGGTAG AAACTTGGGT GTTAAGCCAT CTTACGCTGT TGAATCTGAT GGTTCTCAAA AGGTTAACTT CTTGGAATAC AACTCTGGTT ACGGTATTGC TGATACTAAC ACTATTCAAG TTTTCGTTGT TGATCCAGAT ACTAACAACG ATTTCATTAT TGCTCAATGG AACTGA

2. (Previously Presented) The isolated nucleic acid molecule according to Claim 1, which is ligated to other gene to be expressed in one delivery system.

3-4. (Canceled)

5. (Currently Amended) A host cell that is transformed with ~~the vector according to Claim 3 or Claim 4~~ an expression vector comprising the nucleic acid molecule according to Claim 1.

6. (Previously Presented) The host cell according to claim 5 that is a bacterium, a fungal cell or a yeast cell.

7. (Previously Presented) The host cell according to Claim 5, that is *Saccharomyces cerevisiae, Pichia pastoris, Hansenula polymorpha, Candida utilis, Candida boidinii, Candida maltosa, Kluyveromyces lactis, Yarrowia lipolytica, Schwanniomyces occidentalis, Schizosaccaromyces pombe, Torulopsis, Arxula adeninivorans, or Aspergillus (A. nidulans, A. niger, A. awamori, A. oryzae)* or *Tricoderma (T. reesei).*

8. (Previously Presented) The host cell according to Claim 5, wherein the yeast is *Saccharomyces cerevisiae.*

9-10. (Canceled)

11. (Previously Presented) The host cell according to Claim 5, which is administered to a subject selected from the group consisting of mammal, fish, crustacean and poultry.

12. (Previously Presented) The host cell according to Claim 11, wherein the administration is by the route selected from the group consisting of i.v., i.p, oral, mucosa, skin adsorption or immersing in solution.

13-16. (Canceled)

17. (Previously Presented) A process of expressing protein in a host cell with fungal immunomodulatory protein, the process comprising (a) constructing an expression vector having the FIP nucleotide sequence that the host cell preferred inserted, (b) transforming a host cell with the vector; and (c) culturing the host cell under appropriate conditions for expression.

18. (Currently Amended) The process according to Claim 17, wherein the improved FIP nucleotide sequence is nucleic acid sequence ~~of Claim 1~~ as follows:

ATGTCTGATA CTGCTTTGAT TTTCAGATTG GCTTGGGATG TTAAGAAGTT GTCTTTCGAT TACACTCCAA ACTGGGGTAG AGGTAACCCA AACAACTTCA TTGATACTGT TACTTTCCCA AAGGTTTTGA CTGATAAGGC TTACACTTAC AGAGTTGCTG TTTCTGGTAG AAACTTGGGT GTTAAGCCAT CTTACGCTGT TGAATCTGAT GGTTCTCAAA AGGTTAACTT CTTGGAATAC AACTCTGGTT ACGGTATTGC TGATACTAAC ACTATTCAAG TTTTCGTTGT TGATCCAGAT ACTAACAACG ATTTCATTAT TGCTCAATGG AACTGA

19. (Previously Presented) The process according to Claim 17, wherein the host cell in step (a) and (b) is *Saccharomyces cerevisiae*.

20. (Previously Presented) The process according to Claim 17, wherein the vector in step (b) is pYB101-FIP-yeast.

21. (Currently Amended) The fungal immunomodulatory protein prepared ~~by the process of Claim 17, and the fungal immunomodulatory protein~~ and isolated from the host cell transformed by the process of Claim 17.

22-23. (Canceled)

24. (Previously Presented) A composition for use in modulating immunological activities by oral route comprising fungal immunomodulatory protein.

25. (Currently Amended) The composition according to Claim 24, wherein the fungal immunomodulatory protein is prepared from natural Ling Zhi ~~or from the fungal immunomodulatory protein of Claim 21~~.

26. (Previously Presented) The composition according to Claim 24, which is applied to cosmetic use to reduce inflammation and anaphylaxis.

27. (Previously Presented) The composition according to Claim 24, which is applied to pharmaceutical use for reducing inflammation and anaphylaxis, modulating immnuological activity, preventing diabetes, improving asthma, increasing response against bacterial and viral infection and decreasing immunological response against organ transplantation.

28. (Previously Presented) The composition according to Claim 24, which is applied to food or feed additives for lengthening life, modulating immunological activity, increasing feed conversion and decreasing stress.

29. (Previously Presented) A method of modulating immunological activities comprising orally administering fungal immunomodulatory protein or protein fused with FIP to a subject.

30. (Previously Presented) The method according to Claim 29, wherein the protein is prepared from *E.coli* or *Saccharomyces cerevisiae*.